

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.12 OF 2005

Neelam Dadasaheb Shewale Applicant

versus

Dadasaheb Bandhu Shewale
& Ors. Respondents

Mr. Gupte for the Applicant.

Ms. Lalwani for the Respondents.

CORAM : A.S.OKA, J.

DATED : 5TH APRIL 2005.

P.C. :

Shri Gupte appearing for the Applicant has pointed out that the Application for review dated 28th August, 2002 was filed in the Office of the Family Court on 29th August, 2002. A copy of the said application is annexed to this Misc. Application as Exhibit D. Shri Gupte states that though the said Application was accepted by the Office of the Family Court, no exhibit number is given to the said Application. He pointed out that an Application has been filed by the Applicant at Exhibit 65 praying that her Constituted Attorney may be permitted to appear before the Family Court and the said application is not decided. Shri Gupte stated that the Applicant is not pressing this Misc. Application for transfer on merits and the Family Court may be directed

to decide the aforesaid two Applications within in a time bound programme.

2. I have heard the Counsel appearing for the Respondent. The learned Counsel for Respondent states that the Respondent has no objection if the said two Applications are heard by the family Court.

3. Shri Gupte submitted that the applicant has not engaged the services of an Advocate and therefore the cross examination of the Respondent may be postponed till application at Exhibit 65 is decided.

4. Considering the submissions made by the Advocates appearing for the parties, I dispose of the Miscellaneous Application by passing the following order.

(i) Misc. Appln. is dismissed as not pressed.
No order as to costs.

(ii) If the Application for review of order dated 2nd August 2002 is not on record of Petition No.A.1633 of 1997, the learned Trial Judge will take a copy of the said Application on record and by treating the said application as filed on 29.8.2002,

she will decide the same as expeditiously as possible and in any event on or before 6th May, 2005. The learned Trial Judge will also dispose of the Application at Exhibit 65 on or before 6th May, 2005. Both the parties are directed to co-operate with the learned Trial Judge for disposal of the said Applications as per the directions issued today.

(iii) The learned trial Judge will postpone the cross examination of the Respondent till application at Exhibit 65 is finally decided. It is made clear that after the Application at Exhibit 65 is decided, the learned Judge will proceed to record cross examination of the Respondent as the hearing of the petition before the trial Court is already expedited by this Court.

(iv) Parties and the concerned Court to act on the authenticated copy of this order.

(A.S.Oka, J.)